

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6507 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

GIRISHCHANDRA LALLUBHAI PATEL

Versus

ABAD DAIRY

Appearance:

MR TR MISHRA for Petitioner
MR DB PATEL for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 11/08/97

ORAL JUDGMENT

#. Heard learned counsel for the parties.

#. The petitioner, an employee of Abad Dairy, challenges by this Special Civil Application, the action of respondent No.1 denying promotion to him. The petitioner is claiming promotion on the post of Senior Clerk in the pay scale of 1200-2040 with effect from 1.12.87.

#. The learned counsel for the petitioner admits that after filing of this Special Civil Application, the petitioner has been given promotion on the post of Senior Clerk in the year 1989. The learned counsel for the respondent stated that the respondent No.1 introduced voluntary retirement scheme for its employees and the petitioner has opted for that scheme and he has taken voluntary retirement from May 1994 and as such, he is no more in service of respondent No.1. This fact is not controverted by petitioner's counsel.

#. In view of the fact that the petitioner has been promoted and then he has taken benefit of voluntary retirement scheme, nothing substantial survives in this Special Civil Application. The petitioner has chosen to leave the services of respondent No.1 and as such, now his claim for deemed date of promotion is not tenable at this stage. This Special Civil Application now, by these subsequent developments which have taken place, has become infructuous and the same is dismissed accordingly. Notice discharged. No order as to costs.

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